

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

CYNTHIA K. HAYNES (a/k/a Cynthia K. Randolph),)
individually and under the Missouri Wrongful Death)
Statute)
Plaintiffs)
v.) Cause No. 1:21-CV-00160-SNL
JENNIFER WILLIAMS, individually,) JURY TRIAL DEMANDED
JENNIFER WILLIAMS, d/b/a WILLIAMS LAW,)
SPAIN, MILLER, GALLOWAY & LEE, LLC,)
a Missouri limited liability company,)
BERNICE HAYNES, individually and)
CHARLES HAYNES, individually)
Defendants.)

**PLAINTIFF'S MOTION TO FILE A SURREPLY TO THE MOTIONS TO DISMISS
FILED BY DEFENDANTS WILLIAMS AND SPAIN, MILLER**

COMES NOW Plaintiff and requests that this Honorable Court allow her to file a Surreply to the Reply Memoranda filed by Defendants Williams and Spain-Miller for the following reasons:

1. Defendants Williams and Spain-Miller made arguments in their Reply Memoranda that Plaintiff believes are not based upon the facts pled and/or accurately reflect case law.
2. For example, Defendant Spain-Miller claimed that Plaintiff never made allegations that Defendant Williams committed the criminal acts of tampering with a witness. In making that statement, Spain-Miller ignored allegations in numerous paragraphs (for example: ¶¶154, 159, 178, 182, 195(a,b,c,d), 204(a,b,c,d), 215(e), and 227(c,d,e,f)) which allege that Defendant Williams threatened M.H. that if she, her mother, or her stepsister testified against her father during his criminal trial or at his sentencing that M.H. would suffer consequences during

her parents' custody proceedings; *i.e.*, placement in foster care.

3. Although the Complaint did not characterize those allegations as violations of Missouri criminal laws prohibiting witness tampering, the allegations state the elements of witness tampering under Missouri statutes. Given the fact that Plaintiff is entitled to all reasonable inferences emanating from her allegations, she has sufficiently pled that Defendant Williams violated Missouri criminal statutes in her conduct as a GAL by witness tampering.

4. Plaintiff also believes that Defendants Williams and Spain-Miller in their attempts to distinguish how Plaintiff cited Edwards v. Gerstein, 237 S.W.3d 580 (Mo. 2007) themselves cited cases that failed to support their arguments. The cases these Defendants cite can be distinguished.

5. Plaintiff also believes that it would be helpful to the Court if she more articulately distinguished how Defendant Williams' criminal acts were not acts that were within the scope of her duties as a GAL.

6. Plaintiff further believes that Defendant Williams' arguments concerning causation and duty of care and whether Defendant Williams was appointed personal attorney for M.H. should be addressed to show the fallacies in their arguments.

7. Plaintiff requests that she be given an opportunity to file a Surreply. Plaintiff would limit the Surreply to eight (8) pages, will not simply reiterate arguments made previously, and will file the Surreply within one week from the Court granting her permission to file it.

WHEREFORE, Plaintiff prays that this Honorable Court grant her the right to file a Surreply limited to eight (8) pages within one week of the date of the Court's approval of this request and grant such other and further relief as the Court deems just under the circumstances herein.

Respectfully submitted,

/s/ Laurence D. Mass

Laurence D. Mass #30977
230 South Bemiston, Suite 1200
St. Louis, Missouri 63105
Phn: (314) 862-3333, Ext. 20
Fax: (314) 862-0605
laurencedmass@att.net

/s/ Evita Tolu

Evita Tolu #49878
Immigration Law Group, LLC
9378 Olive Blvd., Suite 307
St. Louis, MO 63132
Phn: 314-323-6022
Fax: 314-207-0086
Email: evitatolu@yahoo.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

It is hereby certified that on this 7th day of March 2022, a copy of the foregoing was filed electronically with the Clerk of the Court to be served to all counsel by operation of the Court's electronic filing system.

/s/ Laurence D. Mass